

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-219420.2 **DATE:** December 5, 1985

MATTER OF: S&Q Corporation--Reconsideration

DIGEST:

Request for reconsideration is denied where the protester makes the same basic assertion that was made in the initial protest and does not show that the contracting agency eliminated its proposals from the competitive range without evaluating them in accord with the solicitation's evaluation scheme.

S&Q Corporation requests that we reconsider S&Q Corp., B-219420, Oct. 28, 1985, 85-2 CPD ¶ 471. In that decision, involving request for proposals (RFP) NO. DACA63-85-R-0042, we denied S&Q's protest against the United States Army Corps of Engineers' decision to eliminate the two S&Q proposals from the competitive range. We held that the procurement record established that the Corps had evaluated the S&Q proposals, for design and construction of vacuum chamber facilities at White Sands Missile Range, New Mexico, in accord with the solicitation's evaluation scheme. We found that there was no evidence that the evaluation had been unreasonable or in violation of the procurement statutes and regulations.

We deny the request for reconsideration.

In its request, S&Q makes the same basic assertion that it made in its initial protest, namely, that its proposals were never evaluated and scored as required by the RFP. S&Q disagrees with all our major findings and conclusions and argues that, regardless of what we state in our decision, its proposals were rejected without a proper evaluation and the record demonstrates this fact.

As we stated in our initial decision, there is no evidence in the procurement record to support S&Q's assertion. Unlike S&Q, our Office has had access to the complete record, and we found that the Corps performed a detailed analysis of S&Q's proposals and scored the proposals in accord with the RFP's evaluation scheme. After completing

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these steps, the agency held that the informational deficiencies in S&Q's proposals were so significant that it would require a substantial rewriting of the proposals to bring them up to the necessary technical level. Consequently, the Corps eliminated S&Q's proposals from the competitive range.

S&Q believes that anything in the record that actually shows that its proposals had been fully evaluated was created by the agency after the fact, to cover up the arbitrary rejection of the S&Q proposals. We find absolutely no evidence to support this allegation.

S&Q questions several other points in our prior decision and raises some additional complaints about a lack of communication with the Corps during the procurement. None of these arguments establishes that our prior decision was incorrect, but only that S&Q disagrees with our findings and continues to believe that it was unfairly treated by the agency. On reconsideration, S&Q has the responsibility of showing where our prior decision was in error; mere disagreement with the decision or reiteration of past arguments is not sufficient to meet the protester's burden of proof. See 4 C.F.R. § 21.12(a) (1985); Franklin Wire & Cable Co.--Reconsideration, B-218557.2 et al., June 5, 1985, 85-1 CPD ¶ 644.

Since the protester has not presented evidence to show that our prior decision was erroneous as to either fact or law, but in effect has only reiterated its previous arguments, we deny its request for reconsideration.

for *Seymour E. Efron*
Harry R. Van Cleve
General Counsel